98TH CONGRESS | HOUSE OF REPRESENTATIVES | REPORT
1st Session | No. 98-149

REAUTHORIZATION OF THE NONPERFORMING ARTS FUNCTIONS OF THE JOHN F. KENNEDY CENTER

MAY 16, 1983.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

Mr. HOWARD, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 2605]

[Including cost estimate of the Congressional Budget Office]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 2605) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment to the text of the bill is a complete substitute therefor and appears in italic type in the reported bill.

NEED FOR LEGISLATION

Section 10 of the Public Buildings Act of 1972, Public Law 92-313, approved June 16, 1972, added a new subsection (e) to section 6 of the John F. Kennedy Center Act, as amended. The subsection directs the Secretary of the Interior, acting through the National Park Service to provide maintenance, security, information, interpretation, janitorial, and other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. It authorized such sums as may be necessary to carry out these functions, but only for the fiscal year ending June 30, 1973. Subsequent acts of the Congress have amended that subsection to provide funds through fiscal year 1983.

H.R. 2605, as reported, authorizes to be appropriated to the Secretary of the Interior $4,542,000 for services necessary to the nonperforming arts functions of the John F. Kennedy Center for

11-006 O

H643-3

the Performing Arts for the fiscal year ending September 30, 1984. Without additional funds, the Park Service cannot continue beyond September 30, 1983, to exercise the responsibility required of it by law. Without such services, the building, equipment, and grounds would deteriorate and necessitate extensive and costly repairs.

The National Park Service is responsible for the maintenance, repair, security, and administration of numerous Presidential memorials in the Nation's Capital. Thus, the Congress directed upon enactment of Public Law 92-313 that those memorial-type functions of the Kennedy Center be administered under the supervision of the National Park Service. Subsequently, the Park Service and the Kennedy Center entered into an agreement whereby the Park Service is allocated 76.2 percent of the operation and maintenance costs of the John F. Kennedy Center for the Performing Arts and the Kennedy Center is allocated 23.8 percent. The agreement between the Park Service and the Kennedy Center, developed in 1971, is based on the hours that the building is expected to be used for memorial and performing arts functions. The authorization of $4,542,000 provided in this legislation is based on continuance of the existing allocation of costs between the Park Service and the Kennedy Center.

The committee notes that the transmittal letter from the U.S. Department of the Interior to Hon. Thomas P. O'Neill, Jr., Speaker of the House of Representatives, dated February 23, 1983, enclosing a draft bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, requested an appropriation of $4,342,000 for the fiscal year ending September 30, 1984. The letter referred to follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 23, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is enclosed a draft bill, authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

We recommend that the draft bill be introduced, referred to the appropriate committee for consideration, and enacted.

Under section 6(e) of the John F. Kennedy Center Act (20 U.S.C. 76l), the Secretary of the Interior is required to provide all services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, including information, interpretation, maintenance, janitorial, and security services. However, the Congress has only authorized and appropriated funds to the National Park Service through September 30, 1983, for the nonperforming arts functions of the Kennedy Center.

The enclosed draft bill would amend the authorization in section 6(e) of the John F. Kennedy Center Act to authorize an appropriation of $4,342,000 for the fiscal year ending September 30, 1984. This would enable the National Park Service to continue to carry

out its responsibilities for the nonperforming arts functions for the Kennedy Center through September 30, 1984, in accordance with the President's fiscal year 1984 budget submission to the Congress.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely,

J. ROBINSON WEST,
Assistant Secretary.

Enclosure.

A BILL Authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(e) of the John F. Kennedy Center Act (20 U.S.C. 76l) is amended by striking out the period in the last sentence and adding in lieu thereof ", and not to exceed $4,342,000 for the fiscal year ending September 30, 1984.".

During hearings held by the Subcommittee on Public Buildings and Grounds on H.R. 2606, it was learned that the level of support sought for fiscal year 1984 nonperforming arts functions has virtually remained unchanged for 3 years despite inflationary cost increases. Yet, approximately 3 years ago, National Park Service officials observed:

> Because of the complexities of many of the systems in the Kennedy Center, lack of preventive maintenance will undoubtedly result in extensive repair and costly future expenditures. The appearance of the building will soon deteriorate. This condition will continue until the additional funds are made available to return the building to an adequate standard.

The fiscal year 1984 budget request by the National Park Service in the amount of $4,342,000 reflects an increase of $95,000 over the fiscal year 1983 budget request, basically due to a 4-percent salary increase and the medicare health insurance tax, effective January of 1983. The level of funding proposed for National Park Service operations at the Kennedy Center during fiscal year 1984 represents a decline in the moneys available for needed cyclic maintenance and security. Nearly 3 years ago, the Park Service staff prepared a 10-year projection of needed cyclic maintenance and repair of the building. To date, 22 projects have been deferred from earlier years and only 4 of these projects are currently proposed for completion in fiscal year 1984. Continued deferral of such maintenance can only result in higher costs, unsightly deterioration, and possible public hazards.

The U.S. Park Police, under the supervision of the National Park Service of the Department of the Interior, are responsible for security of the Kennedy Center building—a massive 1.5 million square foot installation—which must be monitored 24 hours a day, 7 days a week. Park Police staffing for this task is currently only 12 people per day, rotating through three shifts daily. The Kennedy Center and the National Park Service remain sharply concerned

that an inadequate police presence jeopardizes the security and safety of people and property alike. Park Police estimates indicate that an increase of at least three positions would be necessary to provide even minimum security for all three shifts.

The committee amended the authorization request of $4,342,000 to $4,542,000 of which $125,000 in additional funding shall be applied to deferred maintenance projects and $75,000 shall be utilized for three additional security officers at the John F. Kennedy Center for the Performing Arts. Regular maintenance and proper security is critical to the preservation of a Presidential memorial and national cultural center visited by millions of tourists annually.

Compliance With Clause 2(l) of Rule XI of the Rules of the House of Representatives

(1) With reference to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, no separate hearings were held on the subject matter of this legislation by the Subcommittee on Oversight and Review. However, the Subcommittee on Public Buildings and Grounds held hearings on this subject matter which resulted in the reported bill.

(2) With reference to clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives the bill, as reported, does not provide new budget authority or increased tax expenditures.

(3) With reference to clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the committee has received a report prepared by the Congressional Budget Office under section 403 of the Congressional Budget Act. The report is as follows:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., May 16, 1983.

Hon. James J. Howard,
Chairman, Committee on Public Works and Transportation, House of Representatives, Washington, D.C.

Dear Mr. Chairman: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 2605, a bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

Should the committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

James Blum
(For Alice M. Rivlin, Director).

Congressional Budget Office Cost Estimate

1. Bill number: H.R. 2605.

2. Bill title: A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

3. Bill status: As ordered reported by the House Committee on Public Works and Transportation, May 11, 1983.

4. Bill purpose: The bill authorizes the appropriation in fiscal year 1984 of $4.542 million for the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. The authorized amount is slightly higher than the President's budget request, and is about 7 percent above the $4.247 million appropriated to date for 1983.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1984	1985	1986	1987	1988
Authorization level	4.5				
Estimated outlays	3.5	0.5	0.5		

The costs of this bill fall within budget function 300.

Basis of estimate: The authorization level is that stated in the bill, and it is assumed that the full amount will be appropriated prior to the start of fiscal year 1984. Outlays are estimated based on historical spending patterns for these activities.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 11, 1983, the Congressional Budget Office prepared a cost estimate for S. 778, a similar bill ordered reported by the Senate Committee on Environoment and Public Works. That bill authorized approporiations of $4.342 million, and the cost estimates reflect that difference.

9. Estimate prepared by: Mary Ann Curtin.

10. Estimate approved by: C. G. Nuckols (For James L. Blum, Assistant Director for Budget Analysis).

(4) With reference to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Operations pertaining to this subject matter.

(5) With reference to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the committee makes the following statement in regard to the inflationary impact of the reported bill:

The enactment of this legislation will have no inflationary impact on the prices and costs in the operation of the national economy.

Cost of Legislation

Rule XIII 7 of the Rules of the House of Representatives requires a statement of the estimated costs to the United States which would be incurred in carrying out H.R. 2605, as reported, in fiscal year 1984 and each of the following 5 years. The committee estimate of these costs, in terms of authorizations contained in the bill, is $4,542,000 in fiscal year 1984. The estimates of outlays contained in the report of the Congressional Budget Office is considered reasonable.

COMMITTEE ACTION AND VOTE

The committee in compliance with rule XI(2)(l)(B), the majority of the committee having actually been present, reports favorably the bill, H.R. 2605, as amended. The bill was ordered reported by voice vote.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 6 OF THE JOHN F. KENNEDY CENTER ACT

ADMINISTRATION

SEC. 6. (a) * * *

* * * * * * *

(e) The Secretary of the Interior, acting through the National Park Service, shall provide maintenance, security, information, interpretation, janitorial and all other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. There is authorized to be appropriated to carry out this subsection not to exceed $2,800,000 for the fiscal year ending June 30, 1976, $741,000 for the transition period ending September 30, 1976, $3,100,000 for fiscal year ending September 30, 1977, and $4,000,000 for the fiscal year ending September 30, 1978. There is authorized to be appropriated to carry out this subsection not to exceed $4,200,000 for the fiscal year ending September 30, 1979. There is authorized to be appropriated to carry out this subsection not to exceed $4,287,000 for the fiscal year ending September 30, 1980, and not to exceed $4,400,000 for the fiscal year ending September 30, 1981, and not to exceed $4,544,000 for the fiscal year ending September 30, 1982, and not to exceed $4,247,000 for the fiscal year ending September 30, 1983, *and not to exceed $4,542,000 for the fiscal year ending September 30, 1984.*

* * * * * * *

○